

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING  
DIVISION OF PROFESSIONAL REGULATION  
BOARD OF EXAMINERS OF PLUMBERS**

**1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room**

**Cranston, RI 02920**

**Tuesday, May 19, 2015**

**9:00am**

**In attendance: Lionel Bernardino**

**Anthony Cardarelli**

**Larry Giorgi**

**Jeffrey Hutton**

**Richard Mandarini**

**Michael Newman**

**Michael Raposa**

**William J. Riley, Chair**

**DLT Director Jensen was not in attendance.**

**Also in attendance were E. Patrick Luther, Chief Plumbing Investigator; John Shaw, Administrator; and Mary Ellen McQueeney-Lally, DLT Legal Counsel.**

**1.) Call to Order: The meeting was called to order at 9:01 am by Chair**

**William J. Riley.**

**2.) Minutes of April 21, 2015 Meeting: Anthony Cardarelli made a motion to accept the minutes of April 21, 2015; seconded by Larry Giorgi and passed unanimously.**

**3.) Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Mary Ellen McQueeney-Lally, DLT Legal Counsel, reminds the Board that they are subject to the RI conflict of interest laws and of their responsibility to disclose conflicts of interest board members should recues from hearing and voting on the matter. Forms are available.**

**4.) Violation Appeal Hearings: E. Patrick Luther (DLT Chief Plumbing Investigator), Sam Marino (Respondent), Ryan Moore (Respondent) and John Braddock (McKee Bros. Oil Corp) are sworn in for testimony. John Yoakum is not present. All respondents are represented by Robert A. D'Amico II, Esq. Board member Larry Giorgi recused from all hearings. All violations stem from the same incident.**

**McKee Bros. Oil Corp – John Yoakum – Violation 5094: E. Patrick Luther reads the violation.**

**Date on Violation: 4/3/2015; Violation 5094; McKee Bros. Oil Corp, John Yoakum**

**Location of Violation: New Construction, 37 Hickory Rd., Cumberland, RI**

**Violation: RIGL 5-20-12 Corporations and firms engaged in business**

**On March 6, 2015, RIDLT Chief Plumbing Investigator E. Patrick Luther conducted an investigation at the above address. Upon entering the newly constructed residence, I witnessed Sam Marino, of 51 Mountaindale Rd, Smithfield, RI, and Ryan E. Moore, of 775 Sandy Lane, Warwick, RI, installing plumbing. Mr. Marino and Mr. Moore are employees of McKee Bros. Oil Corp. At the time of inspection Mr. Marino and Mr. Moore did not have current apprentice cards issued by the Rhode Island Department of Labor. This is a violation of the above referenced Rhode Island General Law. A plumbing permit was taken in the Town of Cumberland RI by Mr. John Yaokum, MP002199. Mr. Yoakum is listed as Vice President on the Corporate Report for McKee Bros. Oil Corp. filed with the RI Secretary of States Office 3-23-15 as required by law.**

**Mr. Luther provides testimony and is questioned by the board. Attorney Robert A. D'Amico addressed the Board.**

**Lionel Bernardino made a motion that a violation did occur; seconded by Jeffrey Hutton and passed unanimously by the Board.**

**Jeffrey Hutton made a motion to suspend the fine of \$1,500.00 per RIGL 5-20-33 for a period of one (1) year pending no violation during that time. Michael Newman seconds the motion. The motion passed unanimously.**

**Larry Giorgi, having recused, did not participate in the matter.**

**The recommendation will be forwarded to the Director's office.**

**Ryan Moore – Violation 5095: E. Patrick Luther reads the violation. Attorney Robert A. D'Amico represents Ryan Moore.**

**Date on Violation: 3/31/2015; Violation # 5095, Ryan Moore**

**Location of Violation: New Construction 37 Hickory Rd., Cumberland, RI**

**Violation: RIGL 5-20-10 Work for which apprentice certificate required**

**On March 6, 2015, RIDLT Chief Plumbing Investigator E. Patrick Luther conducted an investigation at the above address. Upon entering the newly constructed residence I witnessed Ryan E. Moore, of 775 Sandy Lane, Warwick, RI, installing plumbing. Mr. Moore is an employee of McKee Bros. Oil Corp. At the time of inspection, Mr. Moore did not have a current apprentice card issued by the Rhode Island Department of Labor. This is a violation of the above**

**referenced Rhode Island General Law.**

**Mr. Luther provides testimony. Ryan Moore and John Braddock provide testimony.**

**Jeffrey Hutton made a motion that a violation of RIGL 5-20-10 did occur; seconded by Michael Newman and passed unanimously by the Board.**

**Jeffrey Hutton made a motion to suspend the fine of \$1,500.00 for a period of one (1) year pending no violations during that time. Michael Newman seconds the motion. The motion passed unanimously.**

**Larry Giorgi, having recused, did not participate in the matter.**

**The recommendation will be forwarded to the Director's office.**

**Sam Marino – Violation 5096: E. Patrick Luther reads the violation.**

**Date on Violation: 3/31/2015; Violation # 5096, Sam Marino**

**Location of Violation: New Construction 37 Hickory Rd., Cumberland, RI**

**Violation: RIGL 5-20-10 Work for which apprentice certificate required**

**On March 6, 2015, RIDLT Chief Plumbing Investigator E. Patrick**

**Luther conducted an investigation at the above address.**

**Upon entering the newly constructed residence, I witnessed Sam Marino, of 51 Mountindale Rd, Smithfield, RI, installing plumbing. Mr. Marino is an employee of McKee Bros. Oil Corp. At the time of inspection Mr. Marino did not have a current apprentice card issued by the Rhode Island Department of Labor. This is a violation of the above referenced Rhode Island General Law.**

**E. Patrick Luther provides testimony as stated previously. Sam Marino is questioned by the Board.**

**Michael Raposa made a motion that Violation 5096 did occur; seconded by Michael Newman and passed unanimously by the board.**

**Michael Raposa mad a motion to suspend the fine of \$1,500.00 for one (1) year pending no violations during that time; seconded by Anthony Cardarelli and passed unanimously.**

**Larry Giorgi, having recused, did not participate in the matter.**

**The recommendation will be forwarded to the Director's office.**

**End of hearings.**

**5) Apprentice Approvals / Apprentice Registrations: Lionel Bernardino recused.**

- Alex Blanchette Len Gemma MP001809**
- Doug Hurley Len Gemma MO001809**
- Mat Fox Thomas Malone MP001814**
- James Tavares Roto Rooter MP003473**

**Ratios have been checked.**

**Michael Newman made a motion to accept the new apprentice approvals / apprentice registrations; seconded by Michael Raposa and passed unanimously by the Board.**

**6.) Adjournment: Michael Newman made a motion to adjourn; seconded by Lionel Bernardino. There was no opposition. Meeting adjourned at 9:36am.**